

MEMORANDUM : .

March 20, 1969

TO: Boston Redevelopment Authority

FROM: Hale Champion, Director

SUBJECT: BOARD OF APPEAL REFERRALS

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Zoning petitions Nos. Z-1400, Z-1401, Z-1402, Z-1403, Z-1404 and Z-1405 were reviewed by the Board of Appeal, at a public hearing, on Tuesday, March 18, 1969. We have notified the Board that Boston Redevelopment Authority recommendations on said petitions shall be submitted subsequent to this Board meeting.

MEMORANDUM

TO: Boston Redevelopment Authority

FROM: Hale Champion, Director

SUBJECT: BOARD OF APPEAL REFERRALS

March 20, 1969

Re: Petition No. Z-1400
Jonas Milanes
61 Burnett Street, Jamaica Plain

Petitioner seeks an extension of an existing non-conforming use permit and two variances to erect a one story addition and a change of occupancy from two families to three families in a Light Manufacturing (M-1) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|---|---------------|-----------------|
| Sect. 9-1 The extension of an existing non-conforming use requires a Board of Appeal hearing. | | |
| Sect. 15-1 Floor area ratio is excessive | 1.0 | 1.20 |
| Sect. 16-1 Height of building is excessive | 2½ stories | 3 stories |

The property, located on Burnett Street near the intersection of Burnett and Washington Streets at Forest Hills, contains a two story frame dwelling. The neighborhood represents a small residential pocket in this Industrial area. The petitioner proposes to erect the addition above the existing second story level. Expansion of this non-conforming use would create an undesirable density on this parcel of approximately 3000 square feet and would have an adverse effect on abutting residential properties. Recommend denial.

VOTED: That in connection with Petition No. Z-1400, brought by Jonas Milanes, 61 Burnett Street, Jamaica Plain, for an extension of a non-conforming use permit and variances of excessive floor area ratio and building height to erect a one story addition and for a change of occupancy from two families to three families in a Light Manufacturing (M-1) district, the Boston Redevelopment Authority recommends denial. Expansion of this non-conforming use would create an undesirable density on this parcel of approximately 3000 square feet and would have an adverse effect on abutting residential properties.

Re: Petition No. Z-1401
Rose Slabodnick
13 Westcott Street, Dorchester

Petitioner seeks a non-conforming use permit and two variances for a change of occupancy from two families to three families in a Residential (R-.8) district. The proposal would violate the code as follows:

| | | <u>Req'd.</u> | <u>Proposed</u> |
|------------|--|---------------|-----------------|
| Sect. 8-7 | A dwelling converted for more families and not meeting lot area requirements is forbidden in an R-.8 district. | | |
| Sect. 14-1 | Minimum lot area is insufficient | 5000 sq.ft. | 4537 sq.ft. |
| Sect. 14-2 | Lot area for additional dwelling unit is insufficient | 1500 sq.ft. | 0 |

The property, located on Wescott Street near the intersection of Wescott Street and Talbot Avenue, contains a 2½ story frame dwelling. The petitioner states that the structure was purchased as a three family dwelling and has been occupied as such for many years. The proposal would be compatible with the residential character of the neighborhood. Recommend approval.

VOTED: That in connection with Petition No. Z-1401, brought by Rose Slabodnick, 13 Westcott Street, Dorchester, for a non-conforming use permit and variances of insufficient lot area for additional dwelling unit and insufficient lot area for a change of occupancy from two families to three families in a Residential (R-.8) district, the Boston Redevelopment Authority recommends approval. The three family occupancy is existing and is compatible with the residential character of the neighborhood.

Re: Petition No. Z-1402
 Sound & Light Corporation
 49-65 Lansdowne Street, Boston

Petitioner seeks a variance for a change of occupancy from a liquor storage warehouse to a night club-restaurant in a Light Manufacturing (M-2) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|---|---------------|-----------------|
| Sect. 23-2 Off-street parking is insufficient | 113 spaces | 0 |

The property, located on Lansdowne Street near the intersection of Lansdowne Street and Brookline Avenue opposite Fenway Park, contains a two story brick warehouse structure. The proposed night club-restaurant would provide dancing, entertainment, and alcoholic beverages. The staff has no objection to the use in this Industrial area but is of the opinion that the required off-street parking should be supplied. The petitioner states that he is presently negotiating with commercial parking lots in the neighborhood to meet the requirements of the code. Recommend approval provided the off-street parking requirements are met.

VOTED: That in connection with Petition No. Z-1402, brought by Sound & Light Corporation, 49-65 Lansdowne Street, Boston, for a variance of insufficient off-street parking for a change of occupancy from a liquor storage warehouse to a night-club-restaurant in a Light Manufacturing (M-2) district, the Boston Redevelopment Authority has no objection to the use and recommends approval provided the petitioner complies with the off-street parking requirement of the code.

Re: Petitions Nos. Z-1403-Z-1404
Boston Redevelopment Authority
158 West Springfield Street &
528 Massachusetts Ave., Boston

The Authority seeks a Conditional Use Permit and a change in an existing non-conforming use for a change of occupancy from four apartments and a hall to a Trade School and offices in an Apartment (H-2) district. The proposal would violate the code as follows:

- Sect. 8-7 A Trade School is a Conditional Use in an H-2 district.
- Sect. 9-1 Repairs exceed 50% of physical value of building.
- Sect. 9-2 A change in an existing non-conforming use requires a Board of Appeal hearing.

The Boston Redevelopment Authority is to convey the properties to the Opportunities Industrialization Center of Greater Boston, Inc. The West Springfield Street structure will be utilized as an Occupational Training School and will include offset printing, office machine repair and merchandising for a student capacity not to exceed 100. The Massachusetts Avenue structure would be used only for administrative purposes. The structures would be rehabilitated to conform with the architectural character of the neighborhood and the proposal would provide an urgently needed social service in the area. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-1403-Z-1404, brought by the Boston Redevelopment Authority, 158 West Springfield Street and 528 Massachusetts Avenue, Boston, for a Conditional Use Permit and a change in an existing non-conforming use for a change of occupancy from four apartments and a hall to a Trade School and offices in an Apartment (H-2) district, the Boston Redevelopment Authority recommends approval. The Authority will convey the properties to Opportunities Industrialization Center of Greater Boston, Inc. to be utilized as an occupational training school for residents of the area. The structures will be rehabilitated to conform with the existing architectural character of the neighborhood and the proposal would provide an urgently needed social service in the area.

Re: Petition No. Z-1406
Marion G. Toomey
444 Huntington Avenue, Hyde Park

Petitioner seeks a variance to alter a one story addition to a dwelling in a Single Family (S-.5) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|--------------------------------------|---------------|-----------------|
| Sect. 19-1 Side yard is insufficient | 10 ft. | 7.6 ft. |

The property, located on Huntington Avenue between Westminster and River Streets, contains a one story frame dwelling. The petitioner received a permit in August of 1968 to erect a one story addition at the right rear of the dwelling. He proposes to alter the addition by moving it nearer to the right side lot line and in doing so would violate the side yard requirement by approximately $2\frac{1}{2}$ feet. The violation is minimal and would not detrimentally effect the abutting residence. Recommend approval.

VOTED: That in connection with Petition No. Z-1407, brought by Marion G. Toomey, 444 Huntington Avenue, Hyde Park, for a variance of insufficient side yard to alter a one story addition to a dwelling in a Single Family (S-.5) district, the Boston Redevelopment Authority recommends approval. The petitioner proposes to alter a building plan, which was previously approved, and in doing so would violate the side yard requirement. The violation is minimal and would not detrimentally effect the abutting residence.

Re: Petition No. Z-1407
Fenton Realty Trust
1538 Dorchester Avenue, Dorchester

Petitioner seeks a non-conforming use permit and two variances for a change of occupancy from a three family dwelling and office to four apartments in a General Business (B-1) district. The proposal would violate the code as follows:

| | | <u>Req'd.</u> | <u>Proposed</u> |
|------------|---|---------------|-----------------|
| Sect. 8-7 | A dwelling converted for more families and not meeting the lot area and open space requirements is Forbidden in a B-1 district. | | |
| Sect. 14-1 | Lot area is insufficient | 2 acres | 2681 sq.ft. |
| Sect. 17-1 | Open space is insufficient | 1000 sf/du | 248 sf/du |

The property, located on Dorchester Avenue at the intersection of Dorchester Avenue and Christopher Street, contains a three story frame dwelling and a one story barber shop. The petitioner proposes to convert the 1st floor barber shop into a small apartment unit. The staff approves of the residential conversion, but, however, recommends that the petitioner enlarge the existing first floor apartment to meet an urgent need for large family units in this area. Recommend approval.

VOTED: That in connection with Petition No. Z-1407, brought by Fenton Realty Trust, 1538 Dorchester Avenue, Dorchester, for a non-conforming use permit and variances of insufficient lot area and open space for a change of occupancy from a three family dwelling and office to four apartments in a General Business (B-1) district, the Boston Redevelopment Authority has no objection to the proposal but recommends that the petitioner enlarge the existing first floor apartment to meet an urgent need for large family units in this area.

Re: Petition No. Z-1408
Nathan I. Wolpert, Trustee
152-154 Sumner Street, East Boston

Petitioner seeks a non-conforming use permit for a change of occupancy from four apartments and two stores to a warehouse and two stores in a Local Business (L-1) district. The proposal would violate the code as follows:

Sect. 8-7 A warehouse is Forbidden in an L-1 district.

The property, located on Sumner Street at the intersection of Sumner and Havre Streets opposite the Maverick Housing Project, contains a three story frame dwelling. The petitioner proposes to convert the 2nd and 3rd floor apartments to a warehouse for storage of bakery supplies. The two stores, presently vacant, would be utilized for the sale of bakery supplies. This use would generate additional commercial traffic and would create a serious safety hazard to the existing residential properties in the area. Recommend denial.

VOTED: That in connection with Petition No. Z-1408, brought by Nathan I. Wolpert, Trustee, 152-154 Sumner Street, East Boston, for a non-conforming use permit for a change of occupancy from four apartments and two stores to a warehouse, storage and two stores in a Local Business (L-1) district, the Boston Redevelopment Authority recommends denial. The proposal would generate additional commercial traffic and would create a serious safety hazard to the existing residential properties in the area.

Re: Petition No. Z-1409
Dr. John A. Sifakis
632 Columbia Road, Dorchester

Petitioner seeks a Conditional Use Permit and a variance for a change of occupancy from a one family dwelling and doctor's office to a one family dwelling and two doctors' offices in an Apartment (H-1) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|--|---------------|-----------------|
| Sect. 8-7 A doctor's office is a Conditional Use in an H-1 district | | |
| Sect. 23-1 Off-street parking is insufficient | 4 spaces | 2 spaces |

The property, located on Columbia Road at the intersection of Columbia Road and Hamlet Street near Uphams Corner, contains a 2½ story frame structure. The petitioner proposes that the first floor accommodate two separate doctors' offices. There is no objection to the use, however, the off-street parking requirements should be met. The petitioner has indicated to the staff that he will make provisions nearby to meet the code parking requirement. Recommend approval provided the off-street parking requirements are met.

VOTED: That in connection with Petition No. Z-1409, brought by Dr. John A. Sifakis, 632 Columbia Road, Dorchester, for a Conditional Use Permit and a variance of insufficient off-street parking for a change of occupancy from a one family dwelling and doctor's office to a one family dwelling and two doctors' offices in an Apartment (H-1) district, the Boston Redevelopment Authority recommends approval provided the petitioner complies with the off-street parking requirements of the code. The proposal is appropriate and beneficial to the neighborhood.

Re: Petition No. Z-1410
M. C. Trust
35 Portsmouth Street, Brighton

Petitioner seeks six variances to erect a three story and basement-10 unit apartment structure in a Residential (R-.8) district. The proposal would violate the code as follows:

| | | <u>Req'd.</u> | <u>Proposed</u> |
|------------|---|---------------|-----------------|
| Sect. 10-1 | Parking not allowed within 5 feet of side lot line | | |
| Sect. 14-2 | Lot area for additional dwelling unit is insufficient | 1500 sf/du | 437 sf/du |
| Sect. 15-1 | Floor area ratio is excessive | 0.8 | 1.15 |
| Sect. 17-1 | Usable open space is insufficient | 800 sf/du | 198 sf/du |
| Sect. 18-1 | Front yard is insufficient | 20 ft. | 7.5 ft. |
| Sect. 20-1 | Rear yard is insufficient | 40 ft. | 39 ft. |

The property, located on Portsmouth Street near the intersection of Portsmouth and Lothrop Streets, contains a vacant three story frame dwelling and a one story garage. The proposed 10 unit apartment structure is incompatible with this two and three family neighborhood. Portsmouth Street is a narrow way and could not support traffic that would be generated by the proposed development. A petition for 15 units at the site was denied by the Board of Appeal in September. Recommend denial.

VOTED: That in connection with Petition No. Z-1410, brought by M. C. Trust, 35 Portsmouth Street, Brighton, for variances of insufficient lot area for additional dwelling unit, usable open space, front yard, rear yard, excessive floor area ratio and parking not allowed within five feet of side lot line to erect a three story' and basement-10 unit apartment structure in a Residential (R-.8) district, the Boston Redevelopment Authority recommends denial. The proposed density is undesirable and inconsistent with this two and three family neighborhood. Portsmouth Street is a narrow way and could not support traffic generated by the proposed development.

Re: Petition No. Z-1412
David V. Tintle
199 Dana Avenue, Hyde Park

Petitioner seeks three variances to subdivide a 9300 square foot area of land in a Single Family (S-.3) district. The proposal would violate the code as follows:

| | | <u>Req'd.</u> | <u>Proposed</u> |
|------------|-------------------------------|---------------|-----------------|
| Sect. 14-1 | Lot area is insufficient | 9000 sf | 4801 sf |
| Sect. 15-1 | Floor area ratio is excessive | 0.3 | 0.35 |
| Sect. 20-1 | Rear yard is insufficient | 40 ft. | 34 ft. |

The property, located on Dana Avenue between Dana Avenue and Newacre Road contains a one family dwelling on a lot area of approximately 9300 square feet. The proposed subdivision would create two substandard lots; the existing dwelling on a lot of 4800 square feet fronting on Dana Avenue and a lot of 4500 square feet fronting on Newacre Road. The proposed subdivision would be undesirable in this single family neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-1412, brought by David V. Tintle, 199 Dana Avenue, Hyde Park, for variances of insufficient lot area, rear yard and excessive floor area ratio to subdivide land in a Single Family (S-.3) district, the Boston Redevelopment Authority recommends denial. The proposed subdivision would create two substandard lots which would be undesirable and incongruous in this single family neighborhood.

Re: Petition No. Z-1413
Tileston & Hollingsworth Company
854-912 River Street, Hyde Park

Petitioner seeks two variances to erect a one story concrete finishing room and warehouse addition to an existing paper finishing mill in an Industrial (I-2) and Light Manufacturing (M-1) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|---------------------------------------|---------------|-----------------|
| Sect. 18-1 Front yard is insufficient | 20 ft. | 3 ft. |
| Sect. 20-1 Rear yard is insufficient | 20 ft. | 15 ft. |

The property, located on River Street at the intersection of River and Lefevre Streets, contains a two story paper finishing mill. The proposed expansion would be erected at the left side of the existing structure. The staff is opposed to the front yard variance as the proposed building would front along a street curvature and would tend to impair traffic on River Street. The rear yard abuts a railroad right-of-way and the violation is minimal. Recommend denial of front yard variance and approval of rear yard variance.

VOTED: That in connection with Petition No. Z-1413, brought by Tileston & Hollingsworth Company, 854-912 River Street, Hyde Park, for variances of insufficient front and rear yards to erect a one story concrete finishing room and warehouse addition to an existing paper finishing mill in an Industrial (I-2) and Light Manufacturing (M-1) district, the Boston Redevelopment Authority recommends denial of the front yard variance. The proposed addition would front along a street curvature and would tend to impair traffic visibility. The rear yard abuts a railroad right-of-way and would not be adversely effected by the minimal violation.

Re: Petition No. Z-1414
First National Stores, Inc.
1660-1670 Soldiers Field Rd., Brighton

Petitioner seeks a variance to erect a one story gasoline service station in a Light Manufacturing (M-1) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|---------------------------------------|---------------|-----------------|
| Sect. 18-1 Front yard is insufficient | 20 ft. | 0 |

The property, located on Soldiers Field Road near the intersection of Soldiers Field Road and Market Street, contains two concrete shopping center structures presently under construction. The petitioner proposes to erect the gas service facility on the right front side of the property. The proposal is an inappropriate land use, would impair access and parking requirements of the commercial uses, and would present a serious traffic hazard on Soldiers Field Road. Recommend denial.

VOTED: That in connection with Petition No. Z-1414, brought by First National Stores, Inc., 1660-1670 Soldiers Field Road, Brighton, for a variance of insufficient front yard to erect a one story gas service station facility in a Light Manufacturing (M-1) district, the Boston Redevelopment Authority recommends denial. The proposed facility is an inappropriate land use, would impair access and parking requirements of the existing commercial uses, and would present a serious traffic hazard on Soldiers Field Road.

Re: Petition No. Z-1416
Volunteers of America, Inc.
427 Pond Street, Jamaica Plain

Petitioner seeks a change in an existing non-conforming use and a forbidden use permit for a change of occupancy from a two family dwelling to a Home for Orphan Children and wards of the Commonwealth of Massachusetts in a Single Family (S-.3) district. The proposal would violate the code as follows:

Sect. 9-2 A change in an existing non-conforming use
requires a Board of Appeal hearing.

Sect. 8-7 A boarding house is Forbidden in an S-.3 district.

The property, located on Pond Street between Avon Street and Neillian Crescent and opposite the Nazareth Children's Home, contains a 2½ story frame dwelling. The petitioner proposes to house 5 - 8 wards and orphans of the Commonwealth under the care of two house parents. The proposed facility is compatible with existing residential uses in the area. Recommend approval.

VOTED: That in connection with Petition No. Z-1416, brought by Volunteers of America, Inc. of Mass., 427 Pond Street, Jamaica Plain, for a change in an existing non-conforming use and a forbidden use permit for a change of occupancy from a two family dwelling to a Home for Orphan Children and wards of the Commonwealth of Massachusetts in a Single Family (S-.3) district, the Boston Redevelopment Authority recommends approval. The proposed facility is compatible with existing residential uses in the area.

Re: Petition No. Z-1405
Conway Realty Trust
99 Metropolitan Avenue, Roslindale

Petitioner seeks a non-conforming use permit and five variances to erect a two story and basement 24 unit apartment structure in a Residential (R-.5) district. The proposal would violate the code as follows:

| | | <u>Req'd.</u> | <u>Proposed</u> |
|------------|---|----------------|-----------------|
| Sect. 8-7 | A 24-unit apartment dwelling is forbidden in an R-.5 district | | |
| Sect. 14-1 | Minimum lot area is insufficient | 2 acres | 36,000 sq.ft. |
| Sect. 15-1 | Floor area is excessive | 0.5 | 0.65 |
| Sect. 17-1 | Usable open space is insufficient | 1000 sq.ft./du | 598 sf/du |
| Sect. 18-1 | Front yard is insufficient | 25 ft. | 15 ft. |
| Sect. 14-5 | Distance between buildings is insufficient | 80 ft. | 30 ft. |

The property, located on Metropolitan Avenue at the intersection of Metropolitan Avenue and Kittredge Street, contains approximately 36,000 square feet of vacant land. The proposal is incongruous in this predominantly two family neighborhood which is adjacent to a single family (S-.5) district. The excessive density and insufficient open space represent over intensification of land development. A petition for 32 units at this site was denied by the Board of Appeal a year ago. Recommend denial.

VOTED: That in connection with Petition No. Z-1405, brought by Conway Realty Trust, 99 Metropolitan Avenue, Roslindale, for a non-conforming use permit and variances of insufficient lot area, open space, front yard, distance between buildings and excessive floor area ratio to erect a two story and basement 24 unit apartment building in a Residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The multiple unit proposal is incongruous in this one and two family neighborhood. The excessive density and insufficient open space represent over intensification of land development.

Re: Petition No. Z-1411
Patrick Lallier
1818 River Street, Hyde Park

Petitioner seeks a variance to erect a two family dwelling in a Residential (R-.5) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|---|---------------|-----------------|
| Sect. 14-2 Lot area for additional dwelling unit is insufficient | 3000 sf | 0 |

The property, located on River Street between Morton Street and Vallaro Road opposite Mill Pond, contains 5000 square feet of vacant land. The proposal is a reasonable use and consistent with other residences in this two family neighborhood. The abutting residences will not be adversely effected by the proposed two family structure. Recommend approval.

VOTED: That in connection with Petition No. Z-1412, brought by Patrick Lallier, 1818 River Street, Hyde Park, for a variance of insufficient lot area for additional dwelling unit to erect a two family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. The proposed use is reasonable, would be consistent with and would not have an adverse effect on other residences in this two family neighborhood.